



Iowa Workers' Compensation Advisory Committee, Inc.
61st Annual Workers' Compensation Symposium
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Agency Update
From The Iowa Division of Workers' Compensation

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Division Statistics—New Petitions

The number of Petitions filed with the Division over the past several years has been consistent:

- 3,295 new petitions -- excluding alternate care -- filed during FY 2022.
- 3,265 new petitions -- excluding alternate care -- filed during FY 2021.
- 3,399 new petitions -- excluding alternate care -- filed during FY 2020.
- 3,534 new petitions -- excluding alternate care -- filed during FY 2019.
- 3,339 new petitions -- excluding alternate care -- filed during FY 2018

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First Reports, Hearings and Settlements

In FY2022:

15,193 First Reports of Injury were filed with the agency
212 arbitration hearings were held before the agency
4,175 settlements were approved by the agency

In FY2021:

16,579 First Reports of Injury were filed with the agency
267 arbitration hearings were held before the agency
4,583 settlements were approved by the agency

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Alternate Medical Care Petitions and Decisions

The number of Alternate Medical Care Petitions and decisions has declined somewhat over the past few years.

Alternate Care Petitions:

FY18---578
 FY19---559
 FY20---451
 FY21---452
 FY22---492
 FY23---535 – As of May 31, 2023

Many Alternate Medical Care Petitions are filed due to lack of authorization for treatment recommended by an authorized physician and are dismissed when authorization is given.

Alternate Care Decisions:

FY18---137
 FY19---131
 FY20---107
 FY21---108
 FY22---77
 FY23---72 – As of May 31, 2023

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Appeals to the Commissioner

- The backlog of appeals to the Commissioner, which plagued the agency for decades, was finally eliminated in 2021, and we have continued to keep the number of pending appeals to the Commissioner as low as possible.
- A file on appeal is not fully submitted until the briefing is completed. A file cannot be placed in line for an appeal decision until it is fully submitted.
- Prior to 2019, the agency typically had between 200 and 300 total cases on appeal at any given time, and of that total, at any given time the agency had between 100 and 150 cases fully submitted in line waiting for an appeal decision.
- As of May 31, 2023, there are a total of 35 cases on appeal to the Commissioner. Of that number, only eight cases are fully submitted on appeal and in line waiting for an appeal decision.
- At this time, appeal decisions are being issued within six weeks after the appeals become fully submitted, whereas before 2021, it took between 9 and 12 months after full submission for an appeal decision to be issued.
- A significant number of cases on appeal to the Commissioner are settled or are dismissed before they are fully submitted and never become fully submitted and an appeal decision is never issued.
- As of May 31, 2023, 1,360 appeal decisions have been issued since I took over as Commissioner in February 2015, which is an average of 14 appeal decisions issued each month.
- I spend approximately 50 percent of my time as commissioner working on appeals and approximately 50 percent of my time working on administrative matters.

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PETITIONS FOR JUDICIAL REVIEW

When a case is appealed from the Commissioner to the Iowa District Court, the party filing the appeal must make sure to send a copy of the Petition for Judicial Review to the Division. The Division has 30 days from the date it receives the Judicial Review Petition to certify the record of the case and deliver the certified record to the District Court.

Failure to provide the Petition for Judicial Review to the Division means the certified record of the case does not get sent to the District Court, which makes it impossible for the court to perform judicial review.

Last minute requests from the District Court cause a burden on the Division's staff and delay cases pending before the District Court.

Also, once the Iowa District Court has filed its ruling, a copy of the decision must be sent to the Division.

If the case is remanded by the District Court to the Commissioner, the parties are required to make sure the certified record of the case is returned to the Division. A remand decision cannot be written until the certified record is returned to the Division.

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Internet-Based Video Hearings

Pursuant to an Order filed in March of 2020, due to the COVID-19 pandemic, in-person hearings in all regular procedure workers' compensation cases in Iowa were suspended and all hearings were to be held using an internet video conferencing system.

Pursuant to an Order filed on August 12, 2022, as of October 29, 2022, and continuing indefinitely, all hearings in regular procedure contested case proceedings before the agency are held by internet-based video, unless the agency grants a motion for an in-person hearing. The Deputy Commissioner assigned to hear the case schedules the videoconference and sends the meeting invitation to the attorneys of record no later than 24 hours before the scheduled start time of the hearing.

The parties to a regular procedure hearing may move for an in-person hearing in the venue listed in the hearing assignment order. The motion for in-person hearing must be filed no less than 60 days prior to the hearing date and, if not so filed, the right to request an in-person hearing is waived. The motion for in-person hearing must specify whether the hearing shall be entirely in-person, or whether any parties and/or witnesses will participate via internet video.

If all the parties to a case file a joint motion for in-person hearing, the motion shall be granted. If the motion for in-person hearing is not a joint motion signed and filed by all the parties to a case, the party or parties requesting the in-person hearing shall make a showing of good cause for the hearing to be in-person.

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Deputy Commissioners and Support Staff

At the Division of Workers' Compensation, we have 12 Deputy Work Comp Commissioners who hear the cases, who write the arbitration decisions, who help with appeals, who rule on all the motions, and who perform other important time-consuming and difficult duties.

We also have an Assistant Commissioner, two compliance analysts, a hearing administrator, two docket clerks, three word processors, an appeals support clerk, a records request clerk, and our administrative secretary.

All of these people are very talented and hardworking. They do a great job of making the Division run as smoothly as possible with extremely limited resources which continue to become more and more limited as budget constraints continue to increase.

I want to pay tribute to every one of these people for their tremendous service to the workers' compensation community and to the people of the State of Iowa, and I thank them for their hard work and for their dedication. Whenever you have the opportunity, please thank them for everything they do.

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Closing

For me, personally, it is a very distinct pleasure and a great honor to serve the people of the State of Iowa and the workers' compensation community as the Workers' Compensation Commissioner.

As you may know, my first six-year term as Commissioner ended more than two years ago on April 30, 2021. Shortly before my term expired, I was appointed by Governor Reynolds to serve a second six-year term. In May of 2021, my reappointment was confirmed by a vote of the Iowa Senate.

Please feel free to contact me with your questions and concerns. I am here to serve all of you and I will listen when you contact me.

Thank you to everyone at the Division of Workers' Compensation, and to everyone else, for the generous support and the kind consideration I have received in the eight years since I took over as Commissioner. I look forward to the next several years. Thank you!